

EXHIBIT E

Gray, Bradley R.

From: Dorsey, John <jdorsey@ycst.com>
Sent: Tuesday, September 5, 2017 12:20 PM
To: Worthington, James B.; Brady, Robert
Cc: Neiburg, Michael; Bartley, Ryan; Patton, James; Despins, Luc A.; Bliss, James R.; Cooper, Samuel W.; Zwillinger, Zachary S.; Kilpatrick, Ryan N.; Gray, Bradley R.; mbienenstock@proskauer.com; ppossinger@proskauer.com; ebarak@proskauer.com; mzerjal@proskauer.com; csteedge@jenner.com; mroot@jenner.com; rgordon@jenner.com; rlevin@jenner.com; jzujkowski@omm.com; pfriedman@omm.com; ncrowell@sidley.com; jheyworth@sidley.com; astern@sidley.com; Seidel, Martin; Hussein, Shaimaa; Feldman, Matthew (mfeldman@willkie.com)
Subject: [EXT] RE: COFINA-related rule 2004 requests to Popular entities

Jay,

We have conferred with our clients. Given the applicability of Puerto Rico privacy law and customer confidentiality issues, the Popular entities suggest that the UCC (in its capacity as the Commonwealth's Agent) (the "Agent") issue a Rule 45 subpoena setting forth the Agent's document requests re: the Commonwealth-COFINA dispute (the "Dispute").

We will promptly review the Agent's requests and will engage in meet-in-confers after the Agent has filed its final form complaint concerning the Dispute, as required by the scheduling order. The complaint will frame the disputed issues and will enable the Popular entities to engage the Agent in meaningful discussions concerning the appropriate parameters of discovery relating to the Dispute. Further, given the privacy and confidentiality issues at stake, any production made by the Popular entities must be subject to a court-approved protective order similar to the one entered in the BNYM adversary. Lastly, in the event that the Agent insists on broad-ranging discovery from the Popular entities re: the Dispute, the Popular entities will seek reimbursement for any reasonable and necessary fees and expenses associated with responding to the subpoena.

Regards,

John

John T. Dorsey, Partner ■ YOUNG CONAWAY STARGATT & TAYLOR, LLP Rodney Square, 1000 North King Street ■
Wilmington, DE 19801 P 302.571.6712 F 302.576.3401 ■ jdorsey@ycst.com ■ www.youngconaway.com

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-----Original Message-----

From: Worthington, James B. [mailto:jamesworthington@paulhastings.com]
Sent: Friday, September 01, 2017 3:54 PM
To: Brady, Robert
Cc: Dorsey, John; Neiburg, Michael; Bartley, Ryan; Patton, James; Despins, Luc A.; Bliss, James R.; Cooper, Samuel W.; Zwillinger, Zachary S.; Kilpatrick, Ryan N.; Gray, Bradley R.; mbienenstock@proskauer.com; ppossinger@proskauer.com; ebarak@proskauer.com; mzerjal@proskauer.com; csteedge@jenner.com; mroot@jenner.com; rgordon@jenner.com; rlevin@jenner.com; jzujkowski@omm.com; pfriedman@omm.com; ncrowell@sidley.com; jheyworth@sidley.com; astern@sidley.com; Seidel, Martin; Hussein, Shaimaa; Feldman, Matthew (mfeldman@willkie.com)

Subject: Re: COFINA-related rule 2004 requests to Popular entities

Thanks.

Original Message

From: Brady, Robert

Sent: Friday, September 1, 2017 3:50 PM

To: Worthington, James B.

Cc: Dorsey, John; Neiburg, Michael; Bartley, Ryan; Patton, James; Despins, Luc A.; Bliss, James R.; Cooper, Samuel W.; Zwillinger, Zachary S.; Kilpatrick, Ryan N.; Gray, Bradley R.; mbienenstock@proskauer.com; ppossinger@proskauer.com; ebarak@proskauer.com; mzerjal@proskauer.com; csteege@jenner.com; mroot@jenner.com; rgordon@jenner.com; rlevin@jenner.com; jzujkowski@omm.com; pfriedman@omm.com; ncrowell@sidley.com; jheyworth@sidley.com; astern@sidley.com; Seidel, Martin; Hussein, Shaimaa; Feldman, Matthew (mfeldman@willkie.com)

Subject: [EXT] Re: COFINA-related rule 2004 requests to Popular entities

We can get you an answer Tuesday morning. Have a good weekend.

> On Sep 1, 2017, at 3:23 PM, Worthington, James B. <jamesworthington@paulhastings.com> wrote:

>

> Bob - Can you have a response back to us today, or by Tues am at the latest? Happy to discuss over the weekend. We're operating on a very tight schedule here.

> Thanks,

> Jay

>

> Original Message

> From: Brady, Robert

> Sent: Wednesday, August 30, 2017 3:49 PM

> To: Worthington, James B.

> Cc: Dorsey, John; Neiburg, Michael; Bartley, Ryan; Patton, James;

> Despins, Luc A.; Bliss, James R.; Cooper, Samuel W.; Zwillinger,

> Zachary S.; Kilpatrick, Ryan N.; Gray, Bradley R.;

> mbienenstock@proskauer.com; ppossinger@proskauer.com;

> ebarak@proskauer.com; mzerjal@proskauer.com; csteege@jenner.com;

> mroot@jenner.com; rgordon@jenner.com; rlevin@jenner.com;

> jzujkowski@omm.com; pfriedman@omm.com; ncrowell@sidley.com;

> jheyworth@sidley.com; astern@sidley.com; Seidel, Martin; Hussein,

> Shaimaa; Feldman, Matthew (mfeldman@willkie.com)

> Subject: [EXT] Re: COFINA-related rule 2004 requests to Popular

> entities

>

> Thanks Jay. Request received. We will discuss with our client and revert.

>

> On Aug 30, 2017, at 10:41 AM, Worthington, James B.

<jamesworthington@paulhastings.com<mailto:jamesworthington@paulhastings.com>> wrote:

>

> Bob,

>

> As you have probably seen, last night the Committee (as Commonwealth Agent) and the COFINA Agent filed the attached Joint Stipulation and Scheduling Order For Commonwealth-COFINA Dispute. You will recall at last week's hearing on the Committee's rule 2004 motion that the court said that she that "want[s] the COFINA-Commonwealth litigation to be -- to go forward as soon as possible." Although the Committee may have narrow supplemental requests

for additional COFINA-related materials, requests No. 1 - 9 from the Committee's rule 2004 requests to the Popular entities represent the heart of the Committee's requests for materials relating to the Commonwealth-COFINA dispute.

>
> There is no reason that the imminent commencement of the Commonwealth-COFINA adversary proceeding should restart the discovery clock. To the contrary, as you will see from the stipulation the Commonwealth and COFINA Agents are operating under intense time pressure, with document productions to be completed by late September, and we are accordingly requesting a prompt meet-and-confer focused solely on Requests No. 1 - 9 from our prior rule 2004 requests. We note that the Commonwealth has withdrawn its "pending proceeding" objection with respect to discovery relating to the Commonwealth-COFINA dispute.

>
> Please confirm that you are willing to proceed on this basis (and will not insist on a separate Rule 45 subpoena addressing COFINA subjects) and please let me know when you are available to have a meet-and-confer.

>
> Best regards,

> Jay

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> <image001.gif><<http://www.paulhastings.com/>>

>

> James Worthington | Partner, Litigation Department Paul Hastings LLP |
> 200 Park Avenue, New York, NY 10166 | Direct: +1.212.318.6416 | Main:
> +1.212.318.6000 | Fax: +1.212.230.7769 |
> jamesworthington@paulhastings.com<[mailto:jamesworthington@paulhastings](mailto:jamesworthington@paulhastings.com)

> .com> |

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> </face="verdana,arial,helvetica,times">

> <DN 1206 Joint Stipulation and Scheduling Order.pdf>

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